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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,078	07/10/2001	Rebecca Lynn Siegel	47004.000089	7083
21967 7590 08/22/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER KARMIS, STEFANOS	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/901,078	Applicant(s) SIEGEL ET AL.	
	Examiner Stefano Karmis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-47, 49-66 and 68-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 05 June 2007.

Status of Claims

2. Claims 39-47, 49-66 and 68-86 are currently pending.

Response to Arguments

3. Applicant's arguments, with respect to the rejection under 35 U.S.C. 101 has been fully considered and are persuasive. Therefore the rejection has been withdrawn.
4. Applicant's arguments with respect to claims 39-47, 49-66 and 68-86 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 39, 41, 42, 44-47, 49-58, 60, 61, 63-66 and 68-86 rejected under 35 U.S.C. 103(a) as being unpatentable over Tracey et al. (hereinafter Tracey) U.S. Patent 6,798,413 in view of

Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of How to Monitor Collectors (hereinafter Rial).

Regarding independent claims 39, 58, 77 and 82, Tracey teaches a computerized method for tracking accounts managed by an account agent or agents, the method comprising: receiving a baseline status of an account from an account database, retrieving an updated status of the account from an account database after a predetermined period and comparing the baseline status to the updated status, wherein the comparing operation is performed using a processor (column 15, line 15 thru column 16, line 14 and column 14, line 41 thru column 15, line 13; Examiner notes history tables tracks the account changes over time and predetermined times can be used such as 2-days); generating an account metric based on the step of comparing the baseline status to the updated status, the account metric including a weighting according to at least a change in the level of delinquency of the account, wherein the generation operation is performed using a processor (column 16, lines 15-58, column 23, lines 6-26). Tracey further teaches that that accounts are assigned to debtors (column 16, lines 59-67 and that the collector (agent) has a personal goal report to provide quotas and goals on performance relative to others agents (column 18, lines 20-29).

Land teaches receiving baseline account status as well as updated account status (column 13, line 37-49 and column 14, lines 8-15 and Figures 18-20). Land teaches managing account receivables in which credit officers receive a performance evaluation for collecting on delinquencies which are monitored and become part of the credit officer's performance evaluation (column 11, lines 45 thru column 12, line 3). An account metric is generated by a

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percentage of available accounts receivables as well as forecasted collections are monitored and reported (column 11, lines 45-60).

Tracey and Land fail to teach assigning a score to the account agent based on the account metric wherein the score is used to evaluate the agent. Rial teaches a method for monitoring collectors in which individual collectors are monitored by supervisors and given a score (page 1). These call monitoring scores or other collector measurements are included in employee performance evaluations (page 3). Therefore it would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the collection teachings of Tracey to include the collection teachings of Land along with performance evaluations for the collection agents for the motivation of provides an incentive to the collection agent and to better use evaluations and reports related to job performance. Further it would be obvious to modify Tracey and Land to include the scoring teachings of Rial because it provides a more comprehensive method for measuring the credit officer's ability to apply company policy and goals. Tracey teaches that agents receive a report on their collection goals (column 18, lines 12-29). Land teaches that the responsibility of a credit officer is to manage accounts and to build a customer service oriented rapport with the customer (column 13, lines 3-7). Land also teaches that credit officers are given a yearly performance evaluation (column 11, lines 45-60). Rial teaches scoring employees for their effectiveness in following and applying the company's policies and procedures which can be included in performance evaluations (page 3), which are analogous to the evaluations taught by Land and the reports taught by Tracey.

Claims 41, 60, 78 and 83, Tracey teaches a history table that tracks accounts status over time as well as categorizing delinquent accounts but fails to specifically teach buckets. Land teaches buckets associated with a change in the level of delinquency (column 10, lines 8-24). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tracey to include buckets because they provide an accurate representation of the delinquency of an account on a month-to-month basis.

Claims 42, 61, 80 and 85, Tracey teaches generating account metric based on multiple factors. Tracey fails to teach generating based on a risk rating. Land teaches a risk code utilized during the collection process. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tracey to include risk codes because they provide an associated parameter used when assessing delinquent accounts and possible collection strategies.

Claims 44-47 and 63-66, Tracey teaches that the account is a financial account such as a loan (column 18, line 57 thru column 19, line 12 and Figure 20). Tracey fails to specify that the financial account is a credit, revolving credit or mortgage account. Official notice is taken that payment of credit, revolving credit account and mortgage accounts are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tracey to specify credit accounts,

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revolving credit accounts and mortgage accounts because they are all types of financial accounts that require payment and required a collection effort when in a delinquent state.

Claims 49, 50, 66 and 68, aggregating the account metric for each of a plurality of account to generate an aggregate metric (column 16, lines 15-58, column 23, lines 6-26).

Claims 51- 53 and 70-72, Tracey teaches generating reports for at least one of the agent, teams, groups, divisions and corporate (column 28, line 49 thru column 29, line 28 and Figures 15-17).

Claims 54, 55, 73 and 74, Tracey teaches predetermined periods of times that are less than a statement period (column 15, line 15 thru column 16, line 14 and column 14, line 41 thru column 15, line 13; Examiner notes history tables tracks the account changes over time and predetermined times can be used such as 2-days).

Claims 56, 57, 75 and 76, Tracey teaches a network interface to view account metrics. Tracey fails to specify presenting a network interface such as a webpage to view the account metric. Land teaches web browser access to interface with account metrics and aid with the collection process (column 3, line 66 thru column 4, line 4).

Claims 79, 81, 84 and 86, Tracey in view of Land in further view or Rial teach scoring an account agent as discussed above. Specifically Tracey in view of Land in further view of Rial

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teach scoring based on ability to collect debt in accordance with the policies and practices of the company and debt collection. Tracey in view of Land in further view of Rial fail to specifically teach assigning the score based on the payment amount or an outcome rating after payment of the account. Official Notice is taken that many payment amount and outcome ratings are old and well known as company process and procedures. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tracey in view of Land in further view of Rial to include using payment amount or outcome ratings when determining the scoring because they are factors that provide an indication of an agent's ability to practice company and debt collection procedures.

7. Claims 40, 43, 59 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracey et al. (hereinafter Tracey) U.S. Patent 6,798,413 in view of Land et al. (hereinafter Land) U.S. Patent 6,807,533 in further view of How to Monitor Collectors (hereinafter Rial) in further view of Keyes et al. (hereinafter Keyes) U.S. Patent 6,456,983

Regarding claims 40, 43, 59 and 62, Tracey in view of Land in further view of Rial teach generating account metrics as stated above, however they fail to teach multiplying an account balance by the change in level of delinquency of the account. Keyes teaches a method for scoring a delinquent account which multiplies account balance by changes in delinquency/outcome ratings (column 5, line 57 thru column 6, line 36). It would have been obvious to one of ordinary skill in the art to modify the categorizing teachings of Tracey in view

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of Land in further view of Rial with the teachings of Keyes because it provides for categorization of delinquent accounts based on specific account metrics.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
16 August 2007

A handwritten signature in black ink, appearing to read 'Stefano Karmis', is written over the typed name and date.